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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
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15 TWILA HARTFORD, et al,
16 Plaintiffs,
17 vs.
18 ATLAS TURNER, INC., et al,
19 Defendants.
20 MCDONNELL DOUGLAS
21 CORPORATION,
22 Removing Defendant.

No. 05-0202 - SBA

STIPULATION AND ~~[PROPOSED]~~
ORDER PETITIONING COURT FOR
LIFTING OF STAY, DISMISSING
DEFENDANT MCDONNELL DOUGLAS
CORPORATION WITH PREJUDICE AND
REMANDING CASE TO CALIFORNIA
SUPERIOR COURT

Date: May 17, 2005
Time: 1:00 p.m.

23
24
25 WHEREAS:

26 (1) This case consists of two consolidated asbestos survival and wrongful death actions
27 originally filed in Superior Court of California, County of San Francisco (the "State Court"),
28

1 Case Nos. CGC-03-425202 and CGC-04-435373 (the "State Actions"), in which the surviving
2 spouse and children of Decedent Noel Hartford ("Plaintiffs") allege product liability claims
3 against Defendant McDonnell Douglas Corporation ("MDC"), among others.

4 (2) Defendant MDC filed its Notice of Removal of the State Actions on January 13,
5 2005 on "federal officer" grounds pursuant to 28 U.S.C. Section 1442(a)(1).

6 (3) Plaintiffs and MDC have agreed to and do hereby stipulate that MDC should be
7 dismissed from this action with prejudice pursuant to FRCP 41(a)(2).

8 (4) Although MDC stipulates to a dismissal at this time, MDC still maintains that it
9 properly removed the State Actions based on "federal officer" removal subject matter
10 jurisdiction grounds, for the reasons stated in MDC's Notice of Removal and other papers filed
11 with this Court in opposition to Plaintiffs' Motion to Remand to the State Court.

12
13 IT IS HEREBY STIPULATED by and between Plaintiffs and MDC, through their
14 designated counsel, that because the sole removing defendant, MDC, is hereby dismissed with
15 prejudice from this case, remand to the State court is appropriate at this time.

16
17 Accordingly, the Plaintiffs and MDC petition this court for an order lifting the stay of
18 this action so that it can dismiss MDC with prejudice and remand the State Actions to the State
19 Court, pursuant to this Stipulation.

20 Dated: 6/20/05

BRYAN CAVE LLP

21 By: [Signature]

22 Paul A. Levin

23 Attorneys for Defendant

McDONNELL DOUGLAS CORPORATION

24
25 Dated: 6/20/05

BRAYTON PURCELL

26 By: [Signature]

27 David L. Fiol

28 Attorneys for Plaintiff

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STIPULATION AND [PROPOSED] ORDER PETITIONING COURT FOR LIFTING OF STAY, DISMISSING
DEFENDANT MCDONNELL DOUGLAS CORPORATION WITH PREJUDICE AND REMANDING CASE
TO CALIFORNIA SUPERIOR COURT: No. 05-0202 - SBA



1 ORDER:

2
3 IT IS SO ORDERED.

4
5 Dated: 6-23-05

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7 Saundra B. Armstrong, USDJ